IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 200 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MASOORBHAI PETHABHAI SOLANKI

VERSUS

STATE OF GUJARAT

Appearance:

MR J.M. MALKHAN for the petitioner

MR K.P. RAVAL,APP for respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/04/2000

ORAL JUDGEMENT

1. This is a revision under section 397 of the Code of Criminal Procedure, challenging the judgement and order of conviction and sentence passed against the applicant-accused, recording a conviction under section 66(1)(b) of the Bombay Prohibition Act and imposing the minimum mandatory sentence of simple imprisonment for three months and a fine of Rs.500/-, in default 15 days

simple imprisonment, which was confirmed in appeal. Hence the present revision.

2. As a result of the hearing and discussion learned counsel for the petitioner-accused does not press his grounds against the conviction, but invokes the powers of this court under section 11 of the Probation of Offenders Act, 1958, to give the accused the benefit available to him under the said Act.

3. On the facts and circumstances of the case I am satisfied that the conditions contemplated by section 4 of the said Act are satisfied. I am satisfied that having regard to the circumstances of the case, including the nature of the offence, it is expedient to release the accused on probation of good conduct. It is accordingly directed that instead of undergoing the sentence imposed by the learned Metropolitan Magistrate and confirmed by the Sessions Court, he shall be released on his entering into a bond with two solvent sureties in the sum of Rs.10000/- each, to appear and receive sentence when called upon to do so upto the end of three years from today, and in the meanwhile to keep peace and be of good behaviour.

4. This revision is accordingly disposed of. Rule is made absolute to the aforesaid extent.

****